

agreed to this motion and has also stated he has no objection to the anticipated reassignment of this case as a related case.

WHEREFORE, Defendants respectfully request that this Court enter the Stipulated Order submitted herewith and grant such other and further relief as the Court deems just.

Dated: January 25, 2008

Respectfully submitted,

/s/Sean M. Berkowitz

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Daniel C. Ustian, and Robert C. Lannert

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EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEVIN MEMOLI, individually and on behalf)
of all others similarly situated,)
))
Plaintiffs,) **Case No. 08-cv-00107**
v.)
) **Judge Virginia M. Kendall**
NAVISTAR INTERNATIONAL)
CORPORATION, DANIEL C. USTIAN,) **Magistrate Judge Maria Valdez**
ROBERT C. LANNERT, MARK T.)
SCHWETSCHENAU, and DELOITTE &)
TOUCHE LLP,)
Defendants.)

JOINT STIPULATED ORDER

WHEREAS, on January 7, 2008, Plaintiff Kevin Memoli filed a complaint captioned *Kevin Memoli v. Navistar International Corporation, Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, and Deloitte & Touche LLP, Case No. 08-cv-00107* (“*Memoli Case*”), a purported class action alleging securities fraud, which was assigned to Judge Virginia M. Kendall;

WHEREAS, on December 13, 2007, Plaintiffs Norfolk County Retirement System and Brockton Contributory Retirement System, filed a complaint captioned *Norfolk County Retirement System and Brockton Contributory Retirement System v. Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, Navistar International Corporation, and Deloitte & Touche LLP*, Case No. 07-CV-7014 (“Norfolk Case”), a purported class action alleging securities fraud, which was assigned to Judge Robert W. Gettleman;

WHEREAS, one of the parties to the *Norfolk* Case will move to reassign the *Memoli* Case as a related action to the *Norfolk* Case on Judge Gettleman’s docket, and Plaintiff in the *Memoli* Case has no objection to such reassignment;

WHEREAS, a substantially identical stipulation has already been entered by the Court in the *Norfolk* Case;

WHEREAS, Plaintiffs in the *Norfolk* Case have provided notice to potential class members of the actions and informed them of their rights to move to serve as lead plaintiff within 60 days of the date of filing of the complaint, *see* 15 U.S.C. §§ 77z-1(a)(3)(A)(i), 78u-4(a)(3)(A)(i) and published such notice on **December 17, 2007** and lead plaintiff motions are due on **February 15, 2008**;

WHEREAS, under the Private Securities Litigation Reform Act (“PSLRA”), the Court must rule on any motions to appoint lead plaintiff within 90 days of the publication of the statutory notice; *see* 15 U.S.C. §§ 77z-1(a)(3)(B)(i), 78u-4(a)(3)(B)(i);

WHEREAS, the parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, individually, but rather, should withhold responding to any of these actions until after: (i) the Court has determined whether the *Memoli* and *Norfolk* cases (and any additional complaints, if any) should be consolidated; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) lead plaintiff has filed an Amended Complaint or Consolidated and Amended Complaint, if any.

STIPULATED

WHEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that the Court be requested to enter an order as follows:

1. Defendants, through counsel, hereby accept service of the existing complaint and any papers or documents filed or served by plaintiffs in the above-entitled matter,

effective as of the date of this stipulation, as if service had been effected pursuant to Fed. R. Civ. P. 4. In addition, Defendants hereby waive their defenses with respect to insufficiency of service of process. Defendants, however, do not hereby waive any objection to the venue or jurisdiction of this Court or any other defenses;

2. Defendants shall not respond to the existing complaint until after (i) the parties have moved to reassign the *Memoli* case and the Court has determined whether to consolidate the *Memoli* and *Norfolk* Cases and any subsequent cases that may be filed arising out of the same facts and circumstances as the existing complaints; (ii) the Court has entered an order appointing a lead plaintiff and lead counsel (the "Lead Plaintiff Order"); and (iii) the lead plaintiff files an Amended Complaint or Consolidated and Amended Complaint ("Amended Complaint"), if necessary;

3. Defendants shall answer or otherwise respond to the existing complaint or any Amended Complaint within 30 days after the appointment of a lead plaintiff or the filing of the Amended Complaint, whichever occurs later; and

4. If Defendants file a motion to dismiss, the lead plaintiff shall file and serve an opposition memorandum within 30 days after the filing of Defendants' motion to dismiss and Defendants shall file and serve any reply memorandum within 15 days after the filing of the lead plaintiff's opposition memorandum.

SO ORDERED.

Dated:

VIRGINIA M. KENDALL
UNITED STATES DISTRICT JUDGE

IT IS SO STIPULATED:

/s/Marvin A. Miller

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Retirement System and Brockton Contributory Retirement System

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EXHIBIT 2

Order Form (01/2005)

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United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7014	DATE	1/11/2008
CASE TITLE	Norfolk County Retirement System, et al vs Daniel C. Ustian, et al		

DOCKET ENTRY TEXT:

STIPULATED ORDER entered. Accordingly, defendants Navistar, Ustian, Lannert and Schwetschenau's motion for extension of time to answer or otherwise respond is granted.

[For further detail see separate order]

[Docketing to mail notice]

00:00

FILED IN ELECTRONIC FORM

JAN 22 2008 11:00 AM

Courtroom Deputy

GDS

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NORFOLK COUNTY RETIREMENT)	
SYSTEM and BROCKTON)	
CONTRIBUTORY RETIREMENT)	
SYSTEM, individually and on behalf of all)	Case No. 07-cv-07014
others similarly situated,)	
)	
)	
Plaintiffs,)	
)	
v.)	Judge Robert W. Gettleman
)	
DANIEL C. USTIAN, ROBERT C.)	Magistrate Judge Nan R. Nolan
LANNERT, MARK T. SCHWETSCHENAU,)	
NAVISTAR INTERNATIONAL)	
CORPORATION, and DELOITTE &)	
TOUCHE LLP,)	
)	
Defendants.)	

STIPULATED ORDER

WHEREAS, on December 13, 2007, Plaintiffs Norfolk County Retirement System and Brockton Contributory Retirement System, filed a complaint captioned *Norfolk County Retirement System and Brockton Contributory Retirement System v. Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, Navistar International Corporation, and Deloitte & Touche LLP, Case No. 07-CV-7014*, a purported class action alleging securities fraud, which was assigned to Judge Robert W. Gettleman; and

WHEREAS, Plaintiffs have provided notice to potential class members of the actions and informed them of their rights to move to serve as lead plaintiff within 60 days of the date of filing of the complaint, *see* 15 U.S.C. §§ 77z-1(a)(3)(A)(i), 78u-4(a)(3)(A)(i) and published such notice on **December 17, 2007** and lead plaintiff motions are due on **February 15, 2008**; and

WHEREAS, under the Private Securities Litigation Reform Act ("PSLRA"), the Court must rule on any motions to appoint lead plaintiff within 90 days of the publication of the statutory notice; *see* 15 U.S.C. §§ 77z-1(a)(3)(B)(i), 78u-4(a)(3)(B)(i); and

WHEREAS, the parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, individually, but rather, should withhold responding to any of these actions until after: (i) the Court has had the opportunity to determine whether the actions should be consolidated, should any additional complaints be filed; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) the filing of an Amended Complaint or Consolidated and Amended Complaint, if any.

STIPULATED

WHEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that the Court be requested to enter an order as follows:

1. Defendants, through counsel, hereby accept service of the existing complaint and any papers or documents filed or served by plaintiffs in the above-entitled matter, effective as of the date of this stipulation, as if service had been effected pursuant to Fed. R. Civ. P. 4(f) and hereby waive their defenses with respect to insufficiency of service of process. Defendants, however, do not hereby waive any objection to the venue or jurisdiction of this Court or any other defenses;
2. Defendants shall not respond to the existing complaints until after (i) the Court has an opportunity to determine whether to consolidate the existing complaint and any further cases that may be filed arising out of the same set of facts and circumstances as the

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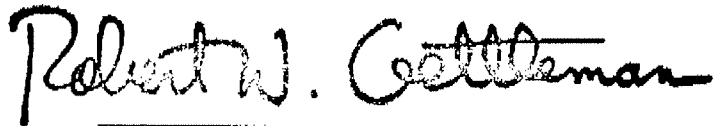
existing complaints, should such complaints be filed on or before February 15, 2008; (ii) the Court has entered an order appointing a lead plaintiff and lead counsel (the "Lead Plaintiff Order"); and (iii) the lead plaintiff files an Amended Complaint or Consolidated and Amended Complaint ("Amended Complaint"), if necessary;

3. Defendants shall answer or otherwise respond to the existing complaint or any Amended Complaint within 30 days of the appointment of a Lead Plaintiff or the filing of the Amended Complaint, if any; and

4. If Defendants file a motion to dismiss, the Lead Plaintiff shall file and serve an opposition memorandum within 30 days of the filing of Defendants' motion to dismiss and Defendants shall file and serve any reply memorandum within 15 days after the filing of the Lead Plaintiff's opposition memorandum.

SO ORDERED.

Dated: JAN. 11, 2008



ROBERT W. GETTLEMAN
UNITED STATES DISTRICT JUDGE

IT IS SO STIPULATED:

/s/C. Philip Curley

One of the Attorneys for Plaintiffs Norfolk County
Retirement System and Brockton Contributory Retirement System

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